

CUSTOMS, EXCISE & SERVICE TAX APPELLATE TRIBUNAL
PRINCIPAL BENCH, WEST BLOCK No.2, R.K.PURAM, NEW DELHI - 110066
EXCISE APPEAL BRANCH

Appeal No. E/717 /2009-718 /2009 - EX[DB]
E/S/712-713/2009-EX

Date 26/05/2009

Assistant Registrar
C.E.S.T.A.T, New Delhi

To :
AMBRISH KUMAR SAXENA
D-97,98,105,106, PHASE-II, NOIDA.
AMBRISH KUMAR SAXENA

Appellant

Vs

Respondent

C.C.E. NOIDA

STAY ORDER NO.453-54/2009-EX

EX[DB] dated 20-5-09

I am directed to transmit herewith a certified copy of Final order No. 375-376/2009-
passed by the Tribunal under Section 35-C(1) of Central Excises Act, 1944


Assistant Registrar
(Excise Appeal Branch)

Copy to :

1. Respondent

C.C.E. NOIDA

C-56/42, SECTOR-62, NOIDA-201307

2. Adv. / Consult

MR.PREM RANJAN KUMAR,ADV

LGF 10/62,VIKRAM VIHAR, LAJPAT NAGAR PART-IV, N DELHI-24

3 S.D.R

~~4 J.C.D.R~~

5 Bar association, CESTAT, New Delhi

6 Director Publications, Customs, Excise. I.P. Estate, New Delhi

7 M/s Centax Publications Pvt Ltd., 1512-B, Bhishm Pitamah marg, Opp. ICICI Bank of Defence Colony, New Delhi - 3

8 Commercial Laws of India Pvt Ltd. Post Bag No. 1033, No.2(Old No. 36), Vaithyaram Street, T. Nagar, Chennai -17

9 Raghuraman's 44-B, Regal Flat, Shipra Suncity, Indirapuram - 201010, Ghaziabad, DT, U.P.

10 M/s Manupatra Information Solutions Pvt Ltd. Excise & Customs Cases B-37, Sector - 1, Noida - 201301, Gautam Budh Nagar, (UP)

11 M/s. Deeparchie Publications, M-93, Marg. 46, Saket, New Delhi 110017

12 Taxindiaonline.com Pvt.Ltd, B-XI/8183, Vasant Kunj, New Delhi - 110070

13 Taxmann Allied Service Pvt Ltd., 21/35, West Punjabi Bagh, New Delhi - 110026

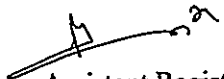
14 Easy Service Tax Online Dot Com Pvt.Ltd.407A, Iscon Mall, Above Star India Bazar, Satellite Road, Ahmedabad-15

15 LAWCRUX Advisors Pvt Ltd, LAW House, 1-8, Sector - 10, Faridabad 121003 (Haryana)

16 Office Copy

17 Guard file

18. HON'BLE PRESIDENT


Assistant Registrar
(Excise Appeal Branch)

19. O.P.GAUTAM

D-97,98,105,106, PHASE-II, NOIDA

**IN THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, NEW DELHI
PRINCIPAL BENCH, COURT NO. I**

Excise Appeal No.717 of 2009

[Arising out of Order-in-Original No. 35/Comm/Noida/2008 dated 29.8.08 passed by Commissioner of Central Excise, Noida.]

Excise Appeal No. 718 /2009- Ex(BR)

[Arising out of Order-in-Original No. 35/Comm/Noida/2008 dated 29.8.08 passed by Commissioner of Central Excise, Noida.]

For approval and signature:

Hon'ble Mr. Justice R.M.S. Khandeparkar, President

Hon'ble Mr. M. Veeraiyan, Member (Technical)

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- | | | |
|--|---|-----|
| 1. Whether Press Reporters may be allowed to see the Order for publication as per Rule 27 of the CESTAT (Procedure) Rules, 1982? | : | Yes |
| 2. Whether it should be released under Rule 27 of the CESTAT (Procedure) Rules, 1982 for publication in any authoritative report or not? | : | No |
| 3. Whether Their Lordships wish to see the fair copy of the Order? | : | See |
| 4. Whether Order is to be circulated to the Departmental authorities? | : | No |
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Ambrish Kumar Saxena

Appellant

Vs.

Commissioner of Central Excise
Noida

Respondent

O.P. Gautam

Appellant

Vs.

Commissioner of Central Excise,
Noida

Respondent

Appearance:

Shri Prem Ranjan, Advocate for the appellant
 Shri B.S. Suhag, SDR for the Respondent

CORAM:

Hon'ble Shri Justice R.M.S. Khandeparkar, President
 Hon'ble Shri M. Veeraiyan, Member (Technical)

Date of Hearing/decision : 20.5.2009

FINAL ORAL ORDER NO. 375-376 / 08-ER

Per Shri Justice R.M.S. Khandeparkar (for the Bench):

Excise Appeal Nos. 717 & 718/09 taken up on Board in terms of order passed today in Stay Application Nos. 712 and 713/2009.

2. Heard the learned advocate for the appellant and learned DR. It is not in dispute that the matter in these appeals is fully covered by the decision delivered by the Tribunal on 25.2.09 in Appeal No. E/166/2009. In view thereof, the appeals are allowed. The impugned orders are set aside and matters are remanded to the Commissioner to decide the matter afresh along with the matters which arose in Appeal No. 166/2009 & 167/2009, and 208/2009 & 209/2009. The party to appear before the Commissioner on 2.6.2009 at 11AM to facilitate the Commissioner to take up the matters along with the matters which was covered by the order dated 25.2.09.

3. The appeals accordingly stand disposed of.

(Justice R.M.S. Khandeparkar)
 President ✓

(M. Veeraiyan)
 Member(Technical)

**IN THE CUSTOMS, EXCISE AND SERVICE TAX
APPELLATE TRIBUNAL, NEW DELHI
PRINCIPAL BENCH, COURT NO. I**

**Excise Stay Application No. 712 /2009 Ex(BR)
Excise Appeal No. 717 /2009- Ex(BR)**

Ambrish Kumar Saxena

Appellant

Vs.

Commissioner of Central Excise
Noida

Respondent

**Excise Stay Application No. 713 /2009 Ex(BR)
Excise Appeal No. 718 /2009- Ex(BR)**

O.P. Gautam

Appellant

Vs.

Commissioner of Central Excise
Noida

Respondent

Appearance:

Shri Prem Ranjan, Advocate for the appellant
Shri B.S. Suhag, SDR for the Respondent

CORAM:

Hon'ble Shri Justice R.M.S. Khandeparkar, President
Hon'ble Shri M. Veeraiyan, Member (Technical)

Date of Hearing/decision : 20.5.2009

STAY ORAL ORDER NO. 453-454/09-EX

Per Shri Justice R.M.S. Khandeparkar (for the Bench):

Heard the learned advocate for the appellant and learned DR for the respondent. It is the case of the appellant and not disputed by the respondent that the appeal Nos. E/717 & 719/09 wherein the present applications are filed are covered by the decision of the Tribunal in Excise Appeal No. 166/09 delivered on 25.2.09 and therefore, these appeals are liable to be allowed and the matter requires to be remanded after setting aside the impugned orders.

In view of said submission on behalf of the applicant and not disputed by the respondent, the stay applications are allowed and we direct the registry to place appeal Nos. 717 & 718/09 for hearing forthwith. Applications are accordingly allowed. The requirement of pre-deposit is hereby waived. Applications stand disposed of.

(Justice R.M.S. Khandeparkar)
President

(M. Veeraiyan)
Member(Technical)